FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

EXECUTION APPLICATION NO.330 OF 2000
AWARD DATED 5.5.2000

Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr.Ajay Panicker for the Auction Purchaser.

Mr. Y.T. John i/by N. Mohanty for Auction Purchaser-Deft.No.3.

Ms. F. Kamdin i/by FZB & Associates for the claimants.

Mr. Kazi, Dy.Sheriff present.

CORAM: R.S. MOHITE, J.
DATED :18/9/2006.

P.C.

1. The Sheriff has filed his report seeking a direction for accepting the offer of 54/- lacks given by M/s.Hitesh Ramchandra Chawla (HUF) at the time of auction sale dated 27.7.2006 for purchase of right, title and interest of the respondents in the goodwill of the business as well as ownership right of the business premises bearing No.303 on the third floor of the building known as Hari Chambers. One Mr.

Ramchandra Chawla who claims to be a co owner of the respective premises who has raised a claim before the Sheriff, has also filed an affidavit dated 16.9.2006. It is his contention that the maintenance charges to the extent of Rs.1,91,913/- are outstanding and payable to the owners. In the circumstances, Sheriff's report is made absolute in terms of prayer clause (a) to (f) subject to the condition that out of the consideration of sale, an amount of Rs.1,91,913/- will be held back by the Sheriff for the period of four weeks from today. The said amount will be paid to the claimants after the period of four weeks unless there is court order obtained by the respondents in respect of this amount. It is made clear that in case any proceedings are filed by Mr.Ramchandra Chawla in any court of competent jurisdiction, claimants will have right to contest the same. A cheque will be issued in favour of the claimants.

(R. S. MOHITE, J.)